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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,393	12/16/1998	MASARU KUMAZAWA	981488	8510
38834	7590	11/19/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/212,393

Applicant(s)

KUMAZAWA, MASARU

Examiner

Jerome Grant II

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

JEROME GRANT II  
PRIMARY EXAMINER

**Detailed Action**

1.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-19 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a ROM or RAM in a printer controller of a printer, see page 22, lines 6-15 of the written specification, does not reasonably provide enablement for transferring printer data *without having an exclusive memory* unit for storing the printer data in the controller. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Correction is required.

2.

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1, 3, 5, 7- 12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani.

With respect to claim 1, Mizutani teaches a controller (including the combination of elements CPU 16, network section 17, bus 21, ROM 18 and RAM 19) that receives printing data for each page from a host (client at terminal 1 or 2); a data transfer unit CPU and bus line 21 for transferring the printing data to a printer (output engine 20) and controls the printer to print the printing data while monitoring states thereof characterized in that it comprises: an analyzing unit (3c) that analyzes the print data and manages the number of pages transferred to the printer and an error processing unit (3f) that passes error data and the number of pages of which printing have been completed to the host when an error in which data is not assured occurred in the printer.

Art Unit: 2626

With respect to claims 3 and 14, Mizutani teaches a storage unit RAM 14 that stores preset data of the printers to be connected to the controller 10. The analyzing circuit 3c and the error processing circuit 3f execute based on the data prestored in the RAM 14. See figure 2A and 3A.

With respect to claims 5, 7 and 15, Mizutani teaches a CPU 10 in combination with RAM 14 for determining functions of the printer, see col. 6, lines 12-16. The analyzing circuit 3c and the error processing circuit 3f execute functions in accordance with the recognition circuit, described above.

With respect to claims 8, 9, 16 and 17, the preset data stored in RAM 14 from the network 4 which functions as the host. See col. 5, lines 40-42 and 50-55.

With respect to claims 10 and 18, Mizutani teaches that when the printer is incapable of transmitting a completion of the paper feed, do to reasons described at col. 9, lines 7-11, for example, the error processing unit 3f, along with the user analyzing the display screen 5 or 5', can estimate the number of pages which have been completed and the ones which need to be completed. See col. 9. The top portion of col. 10 addresses how the data is arranged, i.e., in block form according to the type of error as it occurs and will appear to the user on the display screen.

With respect to claim 11, Mizutani teaches a printing system comprising a host (user at the other end of network 4) comprising a controller (CPU 10, 16 in combination with unit 3) that receives printed data for each page transmitted from the host, the controller

includes an analyzing unit 3c and an error processing unit 3f. The host transmits data which has not been completed after it has been determined where the error has occurred, as instructed by the error sending device 3g and identifying the sender of the job that contained the error via circuit 3i. Again, reprinting is executed when the host device is informed as to the location of where the error occurred in the printing operation.

With respect to claim 12, Mizutani teaches a recording medium readable by a computer (ROM 13) for enabling a computer to proceed the step of receiving printing data for each page from a host, while a controller monitors the process: said program (bottom of col. 5) has a program for allowing the analyzing unit 3c to function as claimed and the error processing unit 3f to functions as claimed. See also col. 9 in its entirety which explains how data is sent from the host to the printer after an error has been detected.

3.

**Claims Objected as Containing Allowable Subject Matter**

Claims 2, 4, 6 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 2626

4.

**Claim Allowed**

Claims 20 and 22 are allowed. Claims 20 and 22 are not teach or suggest in claimed combination, the limitation which is included in claim 2.

5.

**Examiner's Remarks**

Applicant contends that the amendment to claims 1, 11, 12, 19 and 21, whereby the data is transferred to a printer without having an exclusive memory unit for storing the printing data in the controller, is novel over Mizutani. The examiner respectfully disagrees. First, the examiner has searched the written specification and has not found the new limitation added by amendment. Furthermore, page 22, lines 6-15 of the applicant's specification suggests that a ROM or RAM is used with the print controller. Hence, the memory is with the printer controller. This same arrangement is found in figure 3a of Mizutani. Applicant's written specification seems to suggest the same features as that set out in figure 3a of the present invention. Examiner contends that the new limitation is not supported in the specification and that without patentable weight given to this limitation, the claims in its entirety are met by Mizutani.

6.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Art Unit: 2626

7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is (703) 305-4391. The examiner can normally be reached on Mon. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

J. Grant II  
Nov. 18, 2004

JEROME GRANT II  
PRIMARY EXC.